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10 *Amazon.com, Inc.*

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **OAKLAND DIVISION**

14 EOLAS TECHNOLOGIES  
15 INCORPORATED,

16 Plaintiff,

17 v.

18 AMAZON.COM, INC.,

19 Defendant.

Case No. 4:17-cv-03022-JST

Related to Case Nos. 4:17-cv-01138-JST,  
4:17-cv-03023-JST, and 4:15-cv-05446-JST

**DECLARATION OF RICHARD G.  
FRENKEL IN SUPPORT OF  
DEFENDANTS' REPLY IN SUPPORT  
OF MOTION FOR SUMMARY  
JUDGMENT ON OBVIOUSNESS-TYPE  
DOUBLE PATENTING &  
PRECLUSION DOCTRINES**

**Judge: Hon. Jon S. Tigar  
Hearing Date: July 16, 2020  
Hearing Time: 2:00 P.M.**

1 I, Richard G. Frenkel, declare as follows:

2 1. I am an active member of the State Bar of California, a member in good standing  
3 of the Bar of this Court, a partner at Latham & Watkins LLP, and counsel for Defendant  
4 Amazon.com, Inc. (“Amazon”) in the above-titled action. I make this declaration in support of  
5 Defendants’ Reply In Support of Motion for Summary Judgment on Obviousness-Type Double  
6 Patenting & Preclusion Doctrines. I have personal, first-hand knowledge of the matters set forth  
7 below and, if called as a witness, I could and would testify competently thereto.

8 1. Attached as Exhibit 52 is a true and correct copy of excerpts from the January 12,  
9 2017 Deposition Transcript of David C. Martin in *Eolas Technologies Inc. v. Amazon.com Inc.*,  
10 No. 6:15-cv-01038-RWS (E.D. Tex.), which is from the present case before it was transferred to  
11 this Court.

12 2. Attached as Exhibit 53 is a true and correct copy of excerpts from the January 26,  
13 2017 Deposition Transcript of Michael Doyle in *Eolas Technologies Inc. v. Amazon.com Inc.*,  
14 No. 6:15-cv-01038-RWS (E.D. Tex.), which is from the present case before it was transferred to  
15 this Court.

16 3. Attached as Exhibit 54 is a true and correct copy of excerpts from the February  
17 28, 2017 Opening Expert Report of Dr. David Martin in *Eolas Technologies Inc. v. Amazon.com*  
18 *Inc.*, No. 6:15-cv-01038-RWS (E.D. Tex.), which is from the present case before it was  
19 transferred to this Court.

20 4. Attached as Exhibit 55 is a true and correct copy of excerpts from the December  
21 20, 2011 Deposition Transcript of David M. Martin in *Eolas Technologies Inc. v. Adobe Systems*  
22 *Inc.*, No. 6:09-cv-00446-LED (E.D. Tex.) (case number incorrectly marked on the transcript).

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1           5.       Attached as Exhibit 56 is a true and correct copy of excerpts from the January 13,  
2 2017 Deposition Transcript of David C. Martin in *Eolas Technologies Inc. v. Amazon.com Inc.*,  
3 No. 6:15-cv-01038-RWS (E.D. Tex.), which is from the present case before it was transferred to  
4 this Court.

5           I declare under penalty of perjury that the foregoing is true and correct, executed this day  
6 in Palo Alto, CA.

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8 Executed on: May 19, 2020

/s/ Richard G. Frenkel

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